

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
MAGISTRATE CRIMINAL MINUTES
BENCH TRIAL

FILED
DISTRICT COURT OF GUAM

JUN 22 2005

MARY L.M. MORAN
CLERK OF COURT

TIME: 9:31 a.m.

CASE NO. MG-05-00007

DATE: 06/22/2005

HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 9:31:59 - 9:38:02

9:42:30 - 10:16:46; 10:37:31 - 11:06:31

Closing: 11:22:13 - 12:01:57; 1:29:29 - 2:33:14

Law Clerk: Judith Hattori

Courtroom Deputy: Virginia T. Kilgore

CSO: B. Pereda / J. Lizama

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***** APPEARANCES *****

DEFT: HAROLD J. CRUZ

(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY: KIM SAVO

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

DEFT: ERNEST Q. MUNA

(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY: MARK SMITH

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

U.S. ATTORNEY: JOSEPH TOCK

AGENT: JUSTIN OLIVER, CO-COUNSEL

U.S. PROBATION:

U.S. MARSHAL:

DAY NO. 2 OF TRIAL

() JURY TRIAL

(X) COURT TRIAL

() JURY EMPANELED AND SWORN

() OPENING STATEMENT BY THE Plaintiff Defense

(X) WITNESSES SWORN AND EXAMINED

(X) EXHIBITS MARKED AND ADMITTED

SEE ATTACHED EXHIBIT AND WITNESS LIST, AO FORM 187 (and 187A, when applicable)

(X) CLOSING ARGUMENT BY THE X Plaintiff (Mr. Tock)

(X) CLOSING ARGUMENTS BY THE X Defense

() TRIAL CONTINUED TO: at

() JURY CHARGED BY COURT

() JURY DELIBERATE AT

() JURY RETURNS VERDICT AT:

() JURY VERDICT:

() JURY POLLED () POLLING WAIVED () JURY DISCHARGED

() COURT FINDINGS:

() OTHER MATTER(s):

NOTES: Mr. Smith called Defendant Ernest Q. Muna as a witness. The Court advised Mr. Muna that he may invoke his Fifth Amendment right against self-incrimination.

Court will issue a written ruling.

COURTROOM DEPUTY:

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UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

UNITED STATES OF AMERICA

EXHIBIT AND WITNESS LIST

V.

HAROLD J. CRUZ ND ERNEST Q. MUNA

Case Number: **MG-05-00007**

PRESIDING JUDGE JOAQUIN V.E. MANIBUSAN, JR.						PLAINTIFF'S ATTORNEY JOSEPH TOCK / JUSTIN OLIVER	DEFENDANT'S ATTORNEY KIM SAVO / MARK SMITH
HEARING DATE (S) JUNE 22, 2005						COURT REPORTER WANDA MILES	COURTROOM DEPUTY VIRGINIA T. KILGORE
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						Mr. Smith calls Mr. Ernest Q. Muna as a witness (9:35:32)	
	29		6/22/05	6/22/05	6/21/05	Map of Northwest Field showing Points	
						Side Bar (9:38:02 - 9:42:22)	
		4	6/22/05	6/22/05	6/22/05	Coconut trap 1	
		5	6/22/05	6/22/05	6/22/05	Coconut trap 2	
		6	6/22/05	6/22/05	6/22/05	Coconut Crab contained in bucket	
						Exhibits 4, 5 and 6 Admitted.	
	29		6/22/05	6/22/05	6/21/05	Map of Northwest Field showing Points	
	14		6/22/05	6/22/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck	
	28		6/22/05	6/22/05	6/21/05	Map of Northwest Field showing Route 3 and 3A	
	29		6/22/05	6/22/05	6/21/05	Map of Northwest Field showing Points	
	23		6/22/05	6/22/05	6/21/05	Muna's Black flashlight	
	24		6/22/05	6/22/05	6/21/05	Muna's 12 Gauge Shotgun - Shown to the witness	
	14		6/22/05	6/22/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck	
	1		6/22/05	6/22/05	6/21/05	Photograph Rt 3 - Gov Property sign close-up	
	12		6/22/05	6/22/05	6/21/05	Photograph Rt 3a-w/Property sign on road past wildlife refuge	
						End of DX	
						Cx by Ms. Savo (10:03:56)	
						End of Cx (10:05:09)	
						Cx by Mr. Tock (10:05:11)	
	4		6/22/05		6/21/05	Photograph Rt 3-3a intersection- w/Gov Property sign	
	3		6/22/05	6/22/05	6/21/05	Photograph Rt 3 - w/Gov Property Sign Rt.	
	13		6/22/05	6/22/05	6/21/05	Photograph Rt 3a- w/Gov Property sign past wildlife refuge	
	9		6/22/05	6/22/05	6/21/05	Photograph Rt 3a - w/Gov Property sign on left side of road	
	29		6/22/05	6/22/05	6/21/05	Map of Northwest Field showing Points	
						Witness excused (10:15:48)	
						Defense Rests	
						Stipulation by parties that there was not a full moon on the night in question.	
						Defense counsel for Mr. Cruz Rests	

